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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2009-272

11 **BRYAN PHILIP STALSWORTH,**
12 **a.k.a. BRYAN P. STALSWORTH,**
13 **a.k.a. BRYAN STALSWORTH**
422 Deodor Avenue
Oxnard, CA 93030

A C C U S A T I O N

14 Registered Nurse License No. 582336

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
21 ("Board"), Department of Consumer Affairs, State of California.

22 2. On or about June 25, 2001, the Board issued Registered Nurse License
23 Number 582336 to Bryan Philip Stalsworth, also known as Bryan P. Stalsworth and Bryan
24 Stalsworth ("Respondent"). Respondent's registered nurse license expired on September 30,
25 2008.

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1 other than successful completion, shall be reported to the board's enforcement
2 program.

3 (b) If a committee determines that a registered nurse, who is denied
4 admission into the program or terminated from the program, presents a threat to
5 the public or his or her own health and safety, the committee shall report the name
6 and license number, along with a copy of all diversion records for that registered
7 nurse, to the board's enforcement program. The board may use any of the records
8 it receives under this subdivision in any disciplinary proceeding.

7 8. Code section 4022 states:

8 "Dangerous drug" or "dangerous device" means any drug or device unsafe
9 for self-use in humans or animals, and includes the following:

10 (a) Any drug that bears the legend: "Caution: federal law prohibits
11 dispensing without prescription," "Rx only," or words of similar import.

12 (b) Any device that bears the statement: "Caution: federal law restricts this
13 device to sale by or on the order of a -----," "Rx only," or words of similar
14 import, the blank to be filled in with the designation of the practitioner licensed to
15 use or order use of the device.

16 (c) Any other drug or device that by federal or state law can be lawfully
17 dispensed only on prescription or furnished pursuant to Section 4006.

15 DRUG CLASSIFICATION

16 9. "Amphetamine" is a Schedule II controlled substance as designated by
17 Health and Safety Code section 11055, subdivision (d)(1), and is a dangerous drug pursuant to
18 Code section 4022.

19 10. "Benzodiazepine" is a Schedule IV controlled substance which is a
20 depressant as designated by Health and Safety Code section 11057, subdivision (d), and is a
21 dangerous drug pursuant to Code section 4022.

22 11. "Cocaine" is a Schedule II controlled substance as designated by Health
23 and Safety Code section 11055, subdivision (b)(6), and is a dangerous drug pursuant to Code
24 section 4022.

25 12. "Dilaudid", an Opium derivative, is a Schedule II controlled substance
26 pursuant to Health and Safety Code section 11055, subdivision (b)(1)(k), and is a dangerous drug
27 within the meaning of Code section 4022.
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1 13. **"Methamphetamine"** is a Schedule II controlled substance as designated
2 by Health and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant
3 to Code section 4022.

4 14. **"Oxycodone"**, generic name for **"Percocet"** or **"OxyContin"** is a
5 Schedule II controlled substance as designated by Health and Safety Code section 11055,
6 subdivision (b)(1)(N), and is a dangerous drug pursuant to Code section 4022.

7 15. **"Opiates"** are defined by Health and Safety Code section 11020 as "any
8 substance having an addiction-forming or addiction-sustaining liability similar to morphine or
9 being capable of conversion into a drug having additions-forming or addiction-sustaining
10 liability. . . ." They are dangerous drugs pursuant to Code section 4022.

11 **COST RECOVERY**

12 16. Code section 125.3 provides, in pertinent part, that the Board may request
13 the administrative law judge to direct a licentiate found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 **DIVERSION PROGRAM**

17 17. On or about September 8, 2006, Respondent was enrolled in the Board's
18 Diversion Program. Respondent agreed, as a condition of his participation in the Diversion
19 Program, that he would comply with all elements of his rehabilitation plan, including, but not
20 limited to, abstaining from mind altering drugs and submitting to random body fluid screenings.

21 18. On or about July 17, 2008, the Diversion Evaluation Committee ("DEC")
22 terminated Respondent from the Diversion Program as a public safety risk due to the following:

23 a. Respondent's random bodily fluid drug screening of May 4, 2007 tested
24 positive for Cocaine, Opiates and Oxycodone.

25 b. On May 16, 2007, Respondent admitted to the DEC that he had relapsed
26 on Oxycodone for three days.

27 c. Respondent's random bodily fluid drug screening of June 16, 2007 tested
28 positive for Benzodiazepine.

1 d. Respondent's random bodily fluid drug screening of May 27, 2008 tested
2 positive for Methamphetamine and Amphetamine.

3 e. Respondent failed to attend his last scheduled DEC meeting.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Obtain/Possess/Self-Administer Controlled Substances)**

6 19. Respondent is subject to disciplinary action pursuant to Code section
7 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
8 2762, subdivision (a), in that Respondent illegally obtained, possessed and/or self-administered
9 controlled substances and/or dangerous drugs on the following occasions:

10 a. On or about September 8, 2006, during the Diversion Program intake
11 meeting, Respondent admitted that he diverted Dilaudid waste from the Pyxis machine at his
12 workplace, and was using 2-3 mg IM or IV, 2 to 3 times per week. He admitted he was mixing
13 Opiates with alcohol, and drank as much as 10 alcoholic beverages plus 10 beers at a time. He
14 admitted that he had been using Opiates daily for the past three (3) years. He further admitted he
15 was originally prescribed Vicodin for back pain, but then took Percocet or other Opiates from his
16 friends. Respondent also admitted that in or about 2005, he was using 10 tablets of Percocet per
17 day, 2 to 3 time per week.

18 b. On or about May 4, 2007, Respondent tested positive for Cocaine, Opiates
19 and Oxycodone during his random bodily fluid drug screening

20 c. On or about May 16, 2007, Respondent admitted to the DEC that he had
21 relapsed on Oxycodone for three days.

22 d. On or about June 16, 2007, Respondent tested positive for Benzodiazepine
23 during his random bodily fluid drug screening.

24 e. On or about May 27, 2008, Respondent tested positive for
25 Methamphetamine and Amphetamine during his random bodily fluid drug screening.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Drugs/Alcohol)**


3 20. Respondent is subject to disciplinary action pursuant to Code section
4 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
5 2762, subdivision (b), in that Respondent used controlled substances, dangerous drugs and/or
6 alcoholic beverages to an extent or in a manner dangerous or injurious to himself or to the
7 public, or to the extent that such use impairs his ability to practice nursing with safety.
8 Complainant refers to and incorporates all the allegations contained in paragraph 19, as though
9 set forth fully.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 582336,
14 issued to Bryan Philip Stalsworth, also known as Bryan P. Stalsworth and Bryan Stalsworth;
15 2. Ordering Bryan Philip Stalsworth, also known as Bryan P. Stalsworth and
16 Bryan Stalsworth, to pay the Board of Registered Nursing the reasonable costs of the
17 investigation and enforcement of this case, pursuant to Business and Professions Code section
18 125.3; and
19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: 4/28/09

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23 RUTH ANN TERRY, M.P.H., R.N.
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant